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Attorneys for Plaintiff
UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. 3-09-70004 (MEJ)
Plaintiff,)	STIPULATION AND [PROPOSED]
)	SCHEDULING ORDER
v.)	
ALEXANDER JAMES TRABULSE,)	
Defendant.)	

WHEREAS, a Criminal Complaint was filed in this matter on January 2, 2009;

WHEREAS, the defendant was arrested and initially appeared in this matter on January 5, 2009;

WHEREAS, pursuant to Federal Rule of Criminal Procedure 5.1 the Court is required to conduct a preliminary hearing on or before January 23, 2009 unless, *inter alia*, the defendant, who is out of custody, waives the preliminary hearing or is indicted;

WHEREAS, the defendant's counsel believes that additional time is necessary to review

1 the evidence and investigate the case, and believes it is in the best interests of the defendant to do
2 so before formal charges are filed;

3 WHEREAS, taking into account the public interest in the prompt disposition of criminal
4 cases, these grounds are good cause for extending the time limits for a preliminary hearing under
5 Federal Rule of Criminal Procedure 5.1;

6 WHEREAS, a failure to grant the continuance would deny defense counsel the reasonable
7 time necessary for effective preparation, taking into account the exercise of due diligence, and
8 under the circumstances the ends of justice served by a reasonable continuance outweigh the best
9 interest of the public and the defendant in a speedy trial;

10 WHEREAS, the defendant consents to a continuation of the preliminary hearing and an
11 exclusion of time until March 6, 2009; and,

12 THEREFORE, it is hereby stipulated by and between the parties, through their respective
13 counsel of record, that the date for the preliminary hearing be continued to March 6, 2009 at 9:30
14 a.m. under Federal Rule of Criminal Procedure 5.1(d) and Title 18, United States Code, Sections
15 3060 and 3161(b), (h).

16 IT IS SO STIPULATED.

17
18 DATED: January 9, 2009

JOSEPH P. RUSSONIELLO
United States Attorney

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21 Adam A. Reeves
Assistant United States Attorney

22 DATED: January 9, 2009

23 KEKER & VAN NEST LLP

24 MICHAEL CELIO by AAR with permission

25 Michael D. Celio
Attorneys for Defendant
26 ALEXANDER JAMES TRABULSE

1 For the foregoing reasons, the Court HEREBY ORDERS that the preliminary hearing in this
 2 matter is continued to March 6, 2009, at 9:30 a.m. before the Honorable Elizabeth D. Laporte.
 3 The Court finds that good cause is shown and concludes that the continuance is proper under
 4 Rule 5.1(d) of the Federal Rules of Criminal Procedure and Title 18, United States Code,
 5 Sections 3060 and 3161.

6 The Court finds that the failure to grant the requested continuance would deny counsel
 7 the reasonable time necessary for effective preparation, taking into account the exercise of due
 8 diligence. The Court finds that the ends of justice served by granting the requested continuance
 9 outweigh the best interests of the public and the defendant in a speedy trial and in the prompt
 10 disposition of criminal cases. The Court therefore concludes that this exclusion of time from
 11 January 9, 2009 through and including, March 6, 2009 should be made under Title 18, United
 12 States Code, Sections 3161(h)(8)(A) and 3161(h)(8)(B)(iv).

13 IT IS SO ORDERED.

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 15 Dated: 1/12/09

